HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :27218 of 2007

Dated 27th December, 2007

Between
Erragandandla Yellaiah and anr

…Petitioners

and

The State of AP, rep. By its Superintendent of Police,
Nizamabad, Nizamabad District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :27218 of 2007

ORDER:

In this Writ Petition, the petitioners seek declaration by way of Writ of Mandamus that the action of the respondents in harassing and torturing the petitioners by using third degree methods, under the guise of investigation, is illegal and arbitrary.

Pursuant to a complaint filed by Sri. Amdyala Ratnaiah and his Brother, Sri Amdyala Laxmaiah before the third respondent-Police on 25-10-2007 complaining that their younger sister, by name, Smt. Kallu Bhagya is found missing from the village about five months back, and, mentioning the names of the petitioners as suspects for kidnapping and killing her, a case in crime No. 67/2007 was registered under the

head of ‘Woman Missing’. It is the grievance of the petitioners that though they are not involved in the said offence, but, on the complaint of the said complainants, the respondents are harassing them by using third degree methods under the guise of investigation.

Counter affidavit is filed by the third respondent-Station House Officer, Nagireddipet Police Station, Nagireddypet, Nizamabad District. It is stated in the counter affidavit that on the complaint filed by the above said complainants and pursuant to the registration of crime, seven witnesses were examined and their statements were recorded under Section 161 Cr.P.C. It is stated that the witnesses corroborated the facts stated in the FIR. It is further stated that there is ample evidence collected during the course of investigation that the missing woman was taken away by the petitioners herein and for the purpose of investigation, a notice under Section 160 Cr.P.C. was issued to the petitioners requesting them to come to the police station to cooperate with the investigation. But, however, the petitioners did not turn up and they filed this Writ Petition.

Thought it is stated by the petitioners that they are not involved in the offence, but, however, the same is a matter of investigation by the third respondent. When investigation is in progress, the plea of the petitioners that they are not involved in the offence cannot be accepted. As much as it is stated that the petitioners are called to the police station by issuing notice under Section 160 Cr.P.C. pursuant to the registration of Crime No.67/2007 and in absence of any other material to show that the police are using third degree methods against the petitioners under the guise of investigation, no direction can be granted as prayed for in this Writ Petition.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 27-12-2007.
Msnr.